

REMARKS

Claims 1 and 3 to 19 are pending. New claim 19 claims comprising at least one carrier gas enhanced with an added oxidizing gas to distinguish air. Support for the added oxidizing gas is found in the specification at page 6, lines 20 to 27.

The restriction requirement should be withdrawn. The PTO argues that “[a] mere allegation of no serious burden is insufficient.” However, the Response to the Restriction requirement shows the relationship among the claims that establishes “no serious burden.” This is substantially more than an “allegation.” Now, the PTO must withdraw the requirement “unless” the PTO establishes a burden.

The PTO “requires” a new specification with double spacing on quality paper. A substitute specification with double spacing on A4 bond is submitted with this Amendment.

Claims 1 to 2 and 4 to 7 were rejected under 35 U.S.C. §102(b) over Dietzsch et al.; claims 1 and 3 were rejected under 35 U.S.C. §102(b) over Blankenship et al.; and claims 1, 2 and 8 to 9 were rejected under 35 U.S.C. §103 over Bhatti et al.

With respect to the rejection of claim 2 under 35 U.S.C. §102(b) over Dietzsch et al., the Office Action states that “[i]t is deemed that the group is open to additional members – specifically the group of anti-corrosion metals [of Dietzsch et al.?].” While applicant is not clear on the meaning of this rejection, nonetheless applicant has amended claim 1 to recite the protective lining materials of claim 2 in appropriate Markush language. Claim 1 is limited to a protective lining “selected from rhenium, osmium, iridium, platinum and mixtures thereof.” Dietzsch et al. does not teach or suggest a step of “fusing” in a “furnace melt zone comprising a refractory material wall with a protective lining selected from rhenium, osmium, iridium, platinum and mixtures thereof.” Claim 2 is canceled. Claims 4 to 7 depend from claim 1. The rejection of claims 1 to 2 and 4 to 7 under 35 U.S.C. §102(b) over Dietzsch et al. should be withdrawn.

For the same reasons, the rejection over Blankenship et al. should be withdrawn. Blankenship et al. does not teach or suggest “a refractory material wall with a protective lining selected from rhenium, osmium, iridium, platinum and mixtures thereof.” Claim 3 depends from claim 1. Hence, the rejection of claims 1 and 3 under 35 U.S.C. §102(b) over Blankenship et al. should be withdrawn.

With respect to the rejection of claims 1, 2 and 8 to 9 under 35 U.S.C. §103 over Bhatti et al., the Office Action acknowledges that “Bhatti doesn’t disclose a ‘melting zone.’” The Office Action argues that [i]t would have been obvious to have a zone where the glass is melted, because one needs a source of molten glass.” However, even accepting the argument that Bhatti et al. makes obvious a “melting zone” does not render obvious a step of “fusing” in a “furnace melting zone comprising a refractory material wall with a protective lining selected from rhenium, osmium, iridium, platinum and mixtures thereof” (emphasis added). One skilled in the art would not have been led to a step of “fusing” in a “furnace melting zone comprising a refractory material wall with a protective lining selected from rhenium, osmium, iridium, platinum and mixtures thereof” view of a teaching of only melting in a melting zone. Bhatti et al. fails to establish a prima facie case of obviousness. “When the reference(s) cited by the examiner fail to establish a prima facie case of obviousness, the rejection is improper and will be overturned.” *In re Deuel*, 34 USPQ2d 1210, 1214 (Fed. Cir. 1995). The rejection of claim 1 and dependent claims 8 to 9 should be withdrawn.

None of the references teaches or suggests the new claim 19 step of “fusing said SiO₂ material in the melting zone under a gas atmosphere comprising at least one carrier gas enhanced with an added oxidizing gas.” New claim 19 should be allowable.

In view of the foregoing amendments and remarks, it is respectfully submitted that claims 1 and 3 to 19 are allowable. Reconsideration and allowance are requested.

Should the Examiner believe that any further action is necessary in order to place this application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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